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September 29, 1992

MAIL BRANCH

The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Sikes:

We are writing to call to the Commission's attention a mischaracterization of the position of the Association of America's Public Television Stations (APTS), the Corporation for Public Broadcasting (CPB), and the Public Broadcasting Service (PBS) in the recent ATV Notice released by the Commission (Second Further Notice of Proposed Rule Making in MM Docket No. 87-268, released August 14, 1992).

In the Notice, the Commission stated that the position of the "representatives of the public television stations" was in conflict with the position of the Broadcast Caucus on the appropriate allotment process. The Commission noted that the Broadcast Caucus, among others,

suggest an allotment approach that would pair ATV channels with existing NTSC stations based on a "service replication/maximization" plan. [Footnote omitted.] Under this approach, the allotment process would attempt to provide ATV coverage areas comparable to existing NTSC coverage areas, taking actual interference into account.

Notice at ¶ 12. The Commission went on to state:

On the other hand, representatives of public television stations (Public Television) [footnote omitted], Fox, Inc. and others submit that, rather than allotting ATV channels based on current NTSC coverage, the Commission should attempt to improve the coverage areas of the UHF stations and end the UHF/VHF disparity.

Notice at ¶13.

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This characterization of Public Television's position is incorrect and contrary to the comments submitted jointly by APTS, CPB and PBS. On the specific issue cited by the Commission, Public Television's position is completely consistent with the Caucus' and Joint Broadcasters' position. Indeed, APTS and PBS are members of the Broadcast Caucus and signatories on the March 10, 1992 letter to the Chairman that contained the Caucus' allotment/assignment proposal. While APTS, CPB and PBS also filed separate comments, those comments did not contradict the Caucus' allotment/assignment position.

Specifically, the Caucus advocates that ATV channels should provide coverage areas no smaller than stations' current NTSC coverage areas, but:

Where possible (that is, without causing new interference to existing NTSC service . . . or preventing other existing stations from achieving ATV coverage comparable to their existing NTSC coverage), existing stations with smaller NTSC coverage areas would be assigned ATV channels that could provide larger coverage areas up to the coverage area of the largest NTSC station in the market.

Letter from the Broadcast Caucus to Chairman Sikes, May 10, 1992, quoted in Notice at n. 16.

Public Television's comments specifically "support the position advanced by the Broadcasters coalition that the Commission should attempt to assure that ATV allotments permit existing television licensees to replicate their existing NTSC serving areas." PTV Comments at 17 (emphasis added). The comments go on to urge the Commission, because of the traditional disparity between the service areas of stations operating in the VHF compared to the UHF band, to "make the service areas of the noncommercial UHF stations comparable to those of VHF stations to the maximum extent feasible." *Id* (emphasis added).

This is merely a restatement of the replication/maximization principle advocated by the Caucus and Joint Broadcasters: where feasible, the ATV assignments should maximize coverage areas of NTSC stations with the goal of making them consistent with the largest NTSC station in the market.

We would request that this letter be formally entered into MM Docket No. 87-268 and serve as a correction to the Commission's statement in the Notice. We further request that, if the Commission addresses this issue in

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any subsequent document, it formally correct its mischaracterization of our comments in the Notice.

Thank you very much for your consideration of this matter.

Sincerely,

Marilyn - Mohrman - Gillis

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Docket File No. 87-268